

88

**Notice of Allowability**

Application No.

10/667,363

Examiner

Sara Addisu

Applicant(s)

GIORDA, CLAUDIO

Art Unit

3722

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/26/06.
2. ☒ The allowed claim(s) is/are 1, 4-6.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Monica S. Carter*  
**MONICA CARTER**  
**SUPERVISORY PATENT EXAMINER**

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/26/06 has been entered.

### **EXAMINER'S AMENDMENT**

The application has been amended as follows:

Claim 1 (line 5, 4<sup>th</sup> word) has a typographical error: instead of "bits" it recites "fits".

Therefore, Claim 1 (line 5) the word "fits" should be deleted and replaced by the word "bits".

### ***Allowable Subject Matter***

Claims 1 and 4-6 are allowed.

Regarding independent claims 1 and 5, the closest prior art to the instant invention is Milewski (U.S. Patent No. 3,530,745).

MILEWSKI teaches a spindle-mounted boring tool having radially adjustable cutters for simultaneous radial extension/retraction ('745, Col. 1, lines 15-26).

MILEWSKI also teaches a tool bit (18) carried by a resilient tool holder (12) and a diametrically opposed tool ('745, figure 5 and col. 2, lines 49-61 & col. 3, lines 63-70).

Art Unit: 3722

MILEWSKI also teaches cutting bits (18) being carried near the free end of a resilient tool holder (12) while the opposite end is fixed to the body of the boring bar via screw (20) ('745, figure 1 and Col. 2, line 45). The resilient tool holder (elastically deformable blade) (12) is moved outwardly due to the radial pin (27) engaging against a conical portion (30 with surface 32) of a shaft sliding inside an axial cavity of a bar ('745, figures 1, 2, 4 and 5). Although MILEWSKI shows in figure 5, the diametrically opposed tool having an adjustment screw (26') that is independent of the conical portion (30), MILEWSKI teaches the use of preferably a pair of diametrically opposed adjustable cartridges that extend and retract the cutters (18) (i.e. similar to the embodiment of figure 2) ('745, col. 3, lines 63-70).

However, MILEWSKI fails to anticipate or make obvious the end of the resilient tool holders (elastically deformable blades), which are fixed to the body of the associated bar being in an axially spaced position and being oriented toward each other with their bit-carrying ends.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Addisu at (571) 272-6082. The examiner can normally be reached on 8:30 am - 5 PM.

Art Unit: 3722

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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11/24/06

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